

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Scott Hutchison Enterprises, Inc., et al.,	:	Civil Action No. C-1-01-776
	:	
Plaintiffs	:	Judge Weber
	:	
v.	:	
	:	
Rhodes, Inc., et al.,	:	OBJECTION TO SUBPOENA <i>DUCES</i>
	:	<i>TECUM</i> ISSUED TO DEFENDANT
Defendants	:	H. T. BOGGS

Defendant H.T. Boggs objects to the subpoena *duces tecum* issued to him for the production of documents by him on December 8, 2003 on the following grounds:

1. The subpoena was not properly issued or served.
2. The demand for production of documents is burdensome, oppressive, and overbroad and seeks information which is not relevant to the issues in this action or reasonably calculated to lead to the discovery of admissible evidence, in particular, as it concerns real estate other than the real estate which is the subject-matter of this action; Defendant Boggs' personal income tax returns; and the records of the business known as Boggs' Landing.
3. The demand for production of documents is duplicative of the document production which Defendant Boggs has already made.
4. Insofar as the purpose of the demand for the production of Defendant Boggs' federal income tax returns for the years 1995 through 1999 is to determine the extent of Defendant Boggs' ownership interest in the corporation known as Boggs Landing, Inc. during that period of time, Defendant Boggs has voluntarily produced a copy of Schedule E to his 1998

federal income tax return, the only year during the time period in question during which he received a Schedule K-1 from that corporation.

5. The corporate records of Boggs Landing, Inc. are not properly discoverable from Defendant Boggs, inasmuch as he is not a shareholder of that corporation.



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Certificate of Service

The undersigned hereby certifies that he served a copy of the foregoing Objection on William P. Schroeder, Esq., Attorney for Plaintiffs, 11935 Mason Road, Suite 110, Cincinnati, Ohio 45249; E. David Marshall, Esq., 271 West Short Street, Suite 111, Lexington, Kentucky 40507 and M. Bradford Sanders, Esq., 9122 Montgomery Rd., Suite 201, Montgomery, Ohio 45242, Attorneys for Defendants Rhodes, Inc., Rhodes, Incorporated, and Rhodes & Associates, Inc.; and Defendant Zimmer and Geisler at the addresses shown for them in the caption of the Second Amended Complaint, by regular United States mail, postage prepaid this 1st day of December, 2003.


